

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

IN RE:) **Case No. 12-33401**
)
Kenneth L McCally & Belinda K McCally,) **Chapter 13**
)
DEBTOR(S)) **Judge Guy R Humphrey**

FILED
2014 JUL 15 AM 11:15
KENNETH L. JORDAN
CLERK OF COURT
U.S. BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO

MOTION FOR PAYMENT OF UNCLAIMED FUNDS

Under penalty of perjury, the Movant declares that the following statements and information are true and correct.

1. To the best of the Movant's knowledge, a check in the amount of \$ 5,022.52 was issued to PNC Mortgage a division of PNC Bank NA (name of original creditor/claimant)
2. To the best of the Movant's knowledge, the funds were tendered by the case trustee to the Bankruptcy Clerk and then to the United States Treasury.
3. The Movant's current address, phone number and social security number (last 4 digits only of social security number or complete EIN) are as follows:

PNC Mortgage a division of PNC Bank NA
Attn: David L.Zive, 1600 Market Street, 28th Floor
Philadelphia, PA 19103
215-585-6351
EIN: 22-1146430

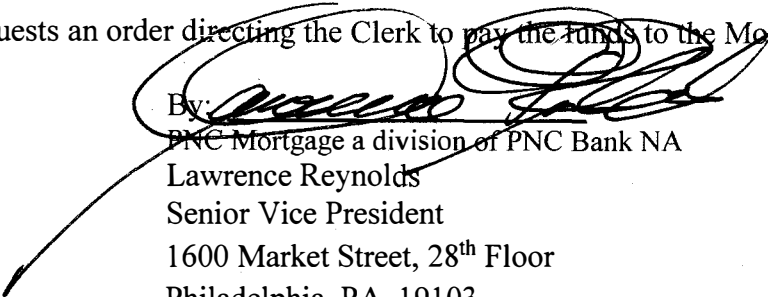
4. The Movant did not receive the check or did not negotiate the check for the following reason(s):

The payment was not negotiated by the intended recipient and the funds were paid over to the court as unclaimed funds.

5. Movant represents that he/she is the owner of the funds, or is a legal representative of the owner, and is entitled to receive the funds. (If the movant is other than the owner of the funds, additional requirements pursuant to Local Bankruptcy Rule 3011-1(d) may apply to establish the right of payment of the unclaimed funds.)

6. Movant understands that pursuant to 18 U.S.C. §152, a fine or imprisonment or both may be imposed if he/she knowingly or fraudulently made any false statements in this document.

7. Wherefore, Movant requests an order directing the Clerk to pay the funds to the Movant at the address below.

By: 
PNC Mortgage a division of PNC Bank NA
Lawrence Reynolds
Senior Vice President
1600 Market Street, 28th Floor
Philadelphia, PA 19103
(215) 585-6351

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO

IN RE:) Case No. 12-33401
)
Kenneth L McCally & Belinda K McCally,) Chapter 13
)
DEBTOR(S)) Judge Guy R Humphrey

NOTICE OF MOTION

PNC Mortgage a division of PNC Bank NA has filed a Motion for Payment of Unclaimed Funds with the court.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. If you do not want the court to grant the relief sought in the motion/objection, then on or before **twenty-one (21) days from the date set forth in the certificate of service for the motion/objection**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to the bankruptcy court clerk's office OR your attorney must file a response using the court's ECF System.

The court must **receive** your response on or before the above date. You must also send a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to:

Lawrence Reynolds, Senior Vice President, 1600 Market Street, 28th Floor, Philadelphia, PA 19103.

and, *(List below the names and addresses of others to be served)*

United States Attorney
Attn: Civil Process Clerk
303 Marconi Boulevard, Suite 200
Columbus, OH 43215

Debtor's Counsel
Harold W Wampler
1343 Woodman Drive
Dayton, OH 45432

Office of the U.S. Trustee
170 North High Street, Suite 200
Columbus, OH 43215

Debtor
Kenneth L McCally & Belinda K McCally
6940 Jamaica Road
Miamisburg, OH 45342

Case Trustee
Jeffrey M Kellner
131 N Ludlow St
Suite 900
Dayton, OH 45402

Greg Griffith, American Property Locators, Inc.
3855 South Boulevard, Suite 200
Edmond, OK 73013

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief without further hearing or notice.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Payment of Unclaimed Funds was served on the following by ordinary U.S. Mail on ~~June~~ *July 10*, 2014.

United States Attorney
Attn: Civil Process Clerk
303 Marconi Boulevard, Suite 200
Columbus, OH 43215

Office of the U.S. Trustee
170 North High Street, Suite 200
Columbus, OH 43215

Case Trustee
Jeffrey M Kellner
131 N Ludlow St
Suite 900
Dayton, OH 45402

Debtor's Counsel
Harold W Wampler
1343 Woodman Drive
Dayton, OH 45432

Debtor
Kenneth L McCally & Belinda K McCally
6940 Jamaica Road
Miamisburg, OH 45342

By: 

Lawrence Reynolds

AO 213
(Rev. 08/13)

Definitions:

"Taxpayer Identification (TIN, SS, or EIN number)" is the number required by the Internal Revenue Service (IRS) to be used in reporting income tax and other returns. The TIN may be either a social security number (SSN) or an employer identification number (EIN).

"U.S. person" means:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States.

The TIN, as well as the information above is required in order to comply with debt collection requirements of 31 U.S.C. §§ 7701(c) and 3325(d), reporting requirements of 26 U.S.C. §§ 6041 and 6041A, and implementing regulations issued by the IRS. Failure or refusal to furnish this information may result in 28 percent backup withholding on any payments otherwise due under any awarded contract or purchase order.

The TIN may be used by the government to collect and report on any delinquent amounts arising out of the vendor's relationship with the government (31 U.S.C. § 7701(c)(3)). The TIN provided may be matched with IRS records to verify its accuracy.

Complete this section only if a TIN was not provided on page one, and select closest reason why not:

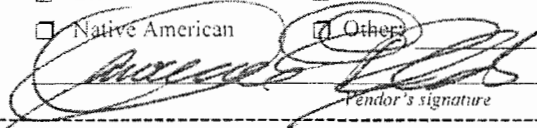
- ☐ The vendor is a nonresident alien, foreign corporation or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the United States and does not have an office or place of business or a fiscal paying agent in the United States;
- ☐ The vendor is an agency or instrumentality of a foreign government;

**Additional information required for vendors used for procurement
(purchase orders, contracts, etc.)**

Indicate which, if any, of the following categories are applicable. These categories require that the vendor is 51% owned and the management and daily operations are controlled by one or more members of the selected socio-economic group:

- ☐ Women Owned Business
- ☐ Not Applicable
- ☐ Minority Owned Business (if yes, select one of the owner's race/ethnicity selections from below):
 - ☐ Asian-Pacific American
 - ☐ Black American
 - ☐ Subcontinent Asian (Asian-Indian) American
 - ☐ Hispanic American
 - ☐ Native American
 - ☒ Other

Date: 6-20-14


Vendor's signature

For Agency Use Only

The vendor name and DUNS number is all that is required for registered System for Award Management (SAM) vendors (formerly CCR). (Check www.sam.gov for registration status.) Do not use this form for purchase card merchants.

Mark Boxes that apply: ☒ Addition ☐ Change ☐ Vendor Code: _____ (make entry only if change)
☐ Active ☐ Inactive ☐ Vendor Type: _____

The following information is optional for individuals whose name and telephone are already on the form:

Contact Name: _____
Telephone Number: _____ Email: _____

Identification of person making this request:

Name: _____
Telephone Number: _____ Originating Office: _____

Please type or print clearly. For "AO" FAS4T Users only, e-mail the completed form to: AO@OFC-ClientServiceDes/DCA/AO/USCOURTS. For questions regarding AOFAS4T the Client Service Desk can be contacted at (202) 502-2242.
For "Court" FAS4T Users, send this form to the local Vendor Administrator. For questions regarding Court FAS4T please contact SDSD at (210) 301-6320.

This form should be completed with signature by the vendor and submitted by Judiciary staff only.
Sensitive information must be securely maintained and only visible to the appropriately designated financial employee.

Form **W-9**
(Rev. August 2013)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give Form to the
requester. Do not
send to the IRS.

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return) PNC Bank, National Association	
	Business name/disregarded entity name, if different from above	
	Check appropriate box for federal tax classification: <input type="checkbox"/> Individual/sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ <input type="checkbox"/> Other (see instructions) ▶	
	Exemptions (see instructions): Exempt payee code (if any) Exemption from FATCA reporting code (if any)	
	Address (number, street, and apt. or suite no.) 1600 Market Street, 28th Floor City, state, and ZIP code Philadelphia, PA 19103 List account number(s) here (optional)	
Requester's name and address (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number										

Employer identification number										
2	2	-								

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below), and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here	Signature of U.S. person ▶	Date ▶ 6-20-2014
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. The IRS has created a page on www.irs.gov/w9 for information about Form W-9, at www.irs.gov/w9. Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, payments made to you in settlement of payment card and third party network transactions, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the

withholding tax on foreign partners' share of effectively connected income, and

4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.



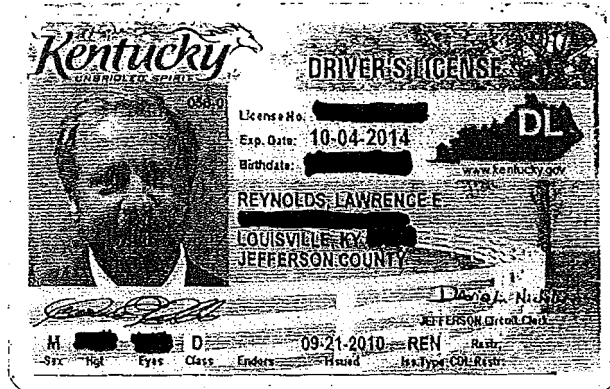
David L. Zive
Senior Counsel
T 215-585-6351 F 215-585-5006
david.zive@pnc.com

The PNC Financial Services Group
1600 Market Street Floor 28
Philadelphia Pennsylvania 19103



Lawrence E. Reynolds
Senior Vice President
T 502-581-2171 F 502-581-2400
lawrence.reynolds@pnc.com

The PNC Financial Services Group
101 South Fifth Street
Louisville Kentucky 40202





CERTIFICATE

The undersigned, Laura L. Long, a duly appointed Assistant Secretary of PNC Bank, National Association (the "Bank"), does hereby certify that:

- (1) the following is a true and correct copy of an excerpt from the By-Laws of the Bank and a true and correct copy of Resolutions adopted by the Board of Directors of the Bank on April 22, 2014;
- (2) the excerpt from the By-Laws of the Bank and Resolutions described above are in full force and effect as of the date of this Certificate; and
- (3) Lawrence E. Reynolds is a duly appointed Senior Vice President of the Bank.

Excerpt from By-Laws of PNC Bank, National Association

"Article VI. General Powers of Officers

Section 1. The corporate seal of the Bank may be imprinted or affixed by any process. The Secretary and any other officers authorized by resolution of the Board of Directors shall have authority to affix and attest the corporate seal of the Bank.

Section 2. The authority of officers and employees of this Bank to execute documents and instruments on its behalf in cases not specifically provided for in these By-Laws shall be as determined from time to time by the Board of Directors, or, in the case of employees, by officers in accordance with authority given them by the Board of Directors."

Board Resolutions Adopted April 22, 2014

NOW, THEREFORE, BE IT RESOLVED, that the Chairman of the Board, the Chief Executive Officer, the President, each Senior Vice Chairman, each Vice Chairman, each Executive Vice President, each Senior Vice President, each Vice President, each Assistant Vice President, the Treasurer and each Assistant Treasurer, the Cashier and each Assistant Cashier, the Secretary and each Assistant Secretary, each Trust Officer and Assistant Trust Officer, each Chief Investment Officer, each Regional President or chief executive of a business region, the General Counsel, the Senior Deputy General Counsel, each Deputy General Counsel and each Chief Counsel (the "Authorizing Officers") of PNC Bank, National Association (the "Bank") shall have the authority to affix and attest the seal of the Bank;

RESOLVED FURTHER, that the Authorizing Officers of the Bank, and any other officers acting at the discretion of any officer authorized to affix and attest the seal of the Bank, are and each of them is hereby authorized and empowered in the name and on behalf of the Bank to execute, acknowledge and deliver any and all agreements, instruments, or other documents relating to the property or rights of all kinds held or owned by the Bank or to the operation of the Bank, either for its own account or in any agency or fiduciary capacity. Notwithstanding the foregoing, any and all agreements of sale, contracts, deeds and other documentation pertaining to the purchase, sale or transfer of real estate or buildings occupied by the Bank in the transaction of its business shall be executed in accordance with the terms of resolutions adopted from time to time in connection therewith and specifically designating the officer or officers authorized to execute the same;

Member of The PNC Financial Services Group

One PNC Plaza 249 Fifth Avenue Pittsburgh Pennsylvania 15222 2707

M:\Pittsburgh\CF\CERT\04-22-14 Signature Authority Templates and Certificates\REYNOLDS, LAWRENCE E.docx

RESOLVED FURTHER, that the Bank's Chairman of the Board, Chief Executive Officer, President, Secretary, or any Senior Vice Chairman, Vice Chairman, or Executive Vice President or any of them, is authorized to name, constitute and appoint such person or persons as they or any of them deem necessary as attorney-in-fact for the Bank, to execute documents for and in its name and stead, and to perform all other acts, deeds and things as may be required to effect the particular transactions for which the appointment is made;

RESOLVED FURTHER, that the Bank's Chairman of the Board, Chief Executive Officer, President, Secretary, or any Senior Vice Chairman, Vice Chairman, or Executive Vice President or any of them, is authorized to name, constitute and appoint such person or persons employed by the Corporation or any of its wholly owned direct or indirect subsidiaries as they or any of them deem necessary as attorney-in-fact for the Bank, to execute documents for and in its name and stead, and to perform all other acts, deeds and things as may be required to effect the particular transactions for which the appointment is made;

RESOLVED FURTHER, that any officer of the Bank and any non-officer employee of the Corporation or the Bank (or any affiliate of the Corporation or Bank) designated in writing by the Chief Executive Officer, the President, any Senior Vice Chairman, Vice Chairman, Executive Vice President or Senior Vice President of the Corporation or Bank, are each hereby authorized and empowered:

- (a) To sign or countersign checks, drafts, acceptances, guarantees of signatures on assignments of securities, certificates of securities of entities for whom the Bank is acting as registrar or transfer agent or in a fiduciary or representative capacity, correspondence or other papers or documents not ordinarily requiring execution under seal;
- (b) To receive any sums of money or property due or owing to the Bank in its own right, as an agent for another party, or in any fiduciary or representative capacity and, either as attorney-in-fact for the Bank or otherwise, to sign or countersign agreements, instruments, or other documents related to the foreclosure of residential real estate loans owned or serviced by the Corporation or the Bank or the enforcement of any other rights and remedies with respect to such loans (including, without limitation, in a bankruptcy or insolvency proceeding), including, without limitation, correspondence, affidavits, certifications, declarations, deeds, substitutions of trustee, verifications, assignments, powers of attorney, sales contracts or any other papers or documents, to execute any instrument of satisfaction for any mortgage, deed of trust, judgment or lien in the Office of the Recorder of Deeds, Prothonotary, or other office or court of record in any jurisdiction, provided, however, that in respect to any mortgage or deed of trust made to this Bank as trustee for bondholders, the foregoing authority shall be exercised only pursuant to an authorization of the Board of Directors or committee of the Board of Directors with oversight of fiduciary risk;

General

RESOLVED FURTHER, that the Authorized Officers of the Bank, and each of them, are authorized to do any and all things and to take any and all actions in connection with these resolutions, including, but not limited to, the execution, delivery, acknowledgement, submitting, filing, recording and sealing of all documents, certificates, statements or other instruments, and the making of any expenditures, which such officers may deem necessary or advisable in order to carry out the intent and purposes of these resolutions;

RESOLVED FURTHER, that all actions heretofore taken by any of the officers, representatives or agents of the Bank, by or on behalf of the Bank or any of its affiliates in connection with the foregoing resolutions be, and each of the same is, ratified and approved; and

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ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS
Accounting and Financial Systems Division

VENDOR INFORMATION/TIN CERTIFICATION
Mandatory Information that MUST be provided before submission

☐ Ex-AO Employee
☐ SAM Vendor
(Formerly CCR)

(No TIN Certification Required)

Vendor Address	Other Address (If different from Vendor Address)
Select all that apply <input type="checkbox"/> Order <input type="checkbox"/> Remit <input checked="" type="checkbox"/> 1099	Select all that apply <input type="checkbox"/> Order <input type="checkbox"/> Remit <input type="checkbox"/> 1099
Name: PNC Bank, National Association	Address:
Business Name: (if different from above)	City:
Address 1: 1600 Market Street, 28th Floor	State: Zip Code:
Address 2:	Phone #:
City: Philadelphia	Description: (If needed)
State: PA Zip Code: 19103	
Phone #: (215) 585-6351 E-mail: David.Zive@pnc.com	
Taxpayer Identification #: 22- [REDACTED] (TIN, SS, or EIN number)	
DUNS #	
Financial Information (If Requested)	
Bank Name: Financial information is not required at this time.	Routing # (this nine digit number appears on your checks, but do not include individual check numbers):
City:	Account #:
State: Zip Code:	Type of Account: (select one) <input type="checkbox"/> Checking <input type="checkbox"/> Savings

Type of Organization for 1099 reporting:

- | | |
|--|---|
| <input type="checkbox"/> sole proprietorship; | <input type="checkbox"/> partnership; |
| <input checked="" type="checkbox"/> corporate entity (not tax-exempt); | <input type="checkbox"/> corporate entity (tax-exempt); |
| <input type="checkbox"/> health care provider; | <input type="checkbox"/> other: _____ |
| <input type="checkbox"/> government entity (write in either federal, state or local) | _____ |

Taxpayer Identification Number Certification

Under penalties of perjury, I certify that:


1. The Taxpayer Identification Number listed in the Vendor Address area above is the correct number assigned to me, and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest and dividends, or (c) the IRS has notified me that I am no longer subject to the backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

☐ You must select this check box if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. If you make a false statement with no reasonable basis that results in no backup withholdings, you are subject to a \$500 penalty. Willfully falsifying certifications or affirmations on this form may subject you to criminal penalties including fines and/or imprisonment.

RESOLVED FURTHER, that for purposes of the foregoing resolutions, the term "Authorized Officer" shall mean and include, as applicable, the Chairman, Chief Executive Officer, President, Senior Vice Chairman, Chief Financial Officer, Secretary or Treasurer of the Bank, or any Vice Chairman, Executive Vice President, Senior Vice President, Vice President, Assistant Secretary or Assistant Treasurer of the Bank or any other duly appointed officer of the Bank.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand and affixed the seal of the Association this 20th day of June, 2014.





Laura L. Long

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF THE STATE OF OHIO**

IN RE:) Case No. 12-33401
Kenneth L McCally & Belinda K McCally,) (Chapter 13
)
DEBTOR

**ORDER DIRECTING PAYMENT
OF FUNDS TO CREDITOR/CLAIMANT**

On the application of PNC Mortgage a division of PNC Bank NA, (the "Claimant") a claimant in the captioned case for an order directing payment of funds held in the registry of the Court, the Court finds that the Claimant has noticed the United States Attorney as required by 28 U.S.C. § 2041 et. seq. and directs that all funds held in the registry of the court or paid in pursuant to 11 U.S.C. § 347 for the benefit of and waiting the request of the Claimant (in the approximate amount of \$5,022.52) be paid to Claimant, Attn: Mr. David Zive, 1600 Market Street, 28th Floor, Philadelphia, PA 19103.

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